G. R. S. IX-5]

Previous references.

File No. 32-2

192 0.

Serial Nos. 1 to

(Court)

Later references.

Cto. 211-20(1-2)

PRESERVED

Preserve
B/
7.5.42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 2.

Part B for September 19

SUBJECT.

Proposal to Commute the Sentence of death passed on Bettu Kha ... of transportation for life.

812. To The Registrar, Chief Court of ...

No. G. S. 796 & H. J. W.

Forward for information of the ... the Chief Court and for communication of the accused copy of the order passed by H. H. ... on the prisoner's memorial commuting the sentence of death to ... of transportation for life.

WD 2233—GPB—20,000—1-6-20

(For Disposal by circulation ~~at a Meeting~~)

No. C. 124

.....19.20. 21

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xii of the Schedule.)

Memorial of Bettakka, 1st accused in Bangalore Sessions Case No. 6 of 19-20, praying for mercy against the capital sentence passed on ~~hx~~ her.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram 4

Chief Secretary to Government.

.....18th August.....19.20.

Extraordinary Member of Council.

First Member of Council. Opinion recorded

1086-88
18.8.20

Second Member of Council. Opinion recorded
Reed
20.8.20

Third Member of Council. Opinion recorded,

(For Disposal by circulation ~~at a Meeting~~)

No. C. 124

.....19..20 · 21

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xii of the Schedule.)

Memorial of Bettakka, 1st accused in Bangalore Sessions Case No. 6 of 19-20, praying for mercy against the capital sentence passed on ~~her~~ her.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram

Chief Secretary to Government.

.....18th August.....19..20.

Extraordinary Member of Council.

First Member of Council. Opinion recorded

1086-88
18.8.20

Second Member of Council. Opinion recorded
Reed
20.8.20

Third Member of Council. Opinion recorded

1641

G. R. S. III—1] 1920.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 32·20

FILE HEADING.

Memorial of Bellakka, 1st accused in Bangalore Sessions Case no 6 of 19·20, praying for mercy against the Capital Sentence passed on her.

From

The Registrar, Chief Court of Mysore.

No. 92/cr. Dated 26·7·20. Received on 30·7·20

Diary No. 1641	Enclos. 2	~~Spare Copies.~~ with Records	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a memorial addressed to His Highness by Bellakka 1st accused in Bangalore Sessions Case no 6 of 19·20 together with the entire records of the Case.

NOTES AND ORDERS.

Submitted for orders.

KR
30·7·20

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat.

(b) File No. 32 of 1920.

Serial No.

(2) The petr was charged, tried and convicted for an offence under S. 302 I.P.C. in Bangalore Sessions case no: 6 of 19-20 and sentenced to be hanged. The offence for which the petr was convicted was that of murdering two men Chenna Setty & Mara Setty, the former of whom was her husband & the latter her adopted son.

(3) Against the conviction & sentence of the Sessions Judge, the petr preferred an appeal to the Chief Court in Criml Appeal no: 101 of 1919-20, but the Chief Court upheld the conviction & confirmed the sentence passed by the Sessions Judge.

The petr has now sent up a memorial praying for mercy on the usual plea of innocence. The evidence shows that owing to serious misunderstandings between the petr & the deceased persons, the latter drove out the petr from their house & that petr vowed vengeance against them. It was alleged that the petr had been kept by

Shanbhogue Annappa & that the latter was helping her against the deceased. On 2nd May 1919, the accd complained to the Police that the deceased persons had broken into her house & threatened to injure her. On 9th June 1919, the deceased made a fresh complaint of assault in the Benelo Magistrate's Court at Kankanady against the accd, Shanbhogue Annappai and two others, and four days after the hearing of this case the deceased persons died by arsenic poisoning.

(2) It has been established by the prosecution evidence that the accd obtained arsenic poison from one Virachari and conveyed to have it mixed up with the ragi flour, used as food in the house of the deceased persons, which they ate & died from the effects of poisoning. The accd had very strong motive to poison the deceased & the ill-feeling between them was very acute at the time of the murders.

It is worthy of note that both before the Committing Magistrate & the Sessions

Serial No.

Judge the only defence of both the accused persons consisted in a mere denial of their guilt & no witnesses were examined in their defence. The Petn harboured feelings of revenge against the deceased persons for which together, and their murder was planned and executed with the greatest deliberation. There are no extenuating circumstances in favour of the Petn, and no reasons seem to exist for mercy.

(6) Submit for orders.

D.M. 2/8

Ch 9/8.

Chief Secy

III Member

6 Ch 10/8/20 D.M. 10/8

1036 11.8.20

(4) The petitioner is responsible for the death of her husband & adopted son. She got arsenic procured mixed in their food prepared at home and all those who partook of it took ill & showed signs of arsenic poisoning. Of the four persons that ate, the mother in law & her daughter in law escaped, but her husband & the adopted son succumbed. The Petitioner is the person, in whose custody all the things remained separate from her husband, and the manner wherein the

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

C5 File No. ~~1917~~ 32 of 1919.

Serial No.

(5) (6)

1041

his sympathies ~~were~~ accused who ~~accused~~ ~~of~~ access with his house and mixed his person in his food as desired by the pet^r. There is indubitable evidence to show that his poison was procured by the pet^r.

(6) There is no extenuating circumstance in the case except the fact that the pet^r is a woman. But she planned & committed with his murder ? two persons who must have been very near & dear to her. She deserves no sympathy & her appeal may be rejected.

(7) The 2nd accused has been sentenced to transportation for life.

11/8/18

(8) (10) may be dealt with by circulation.

Dewan

13/8

D. M. 14/8

(9) I am inclined to recommend Commutation ~~pending~~ to me ~~if~~ transportation for life. Please Circulate.

17/8

D. M. 17/8

(12) C.S. circulate 18/8/18.

DEWAN'S OFFICE.
Recd. on AUG 14 1920
Reg. No. 6027

NOTE—Contn. sheet.

C. 121 (E) 1921

R. S. III-21

General and Revenue Secretariat.

File No. 32 of 1920.

Serial No.

13) I am also of opinion that the sentence of death passed on the first accused may be commuted into one of transportation for life.

Dewan
20.8.20.

14) Order please.

Dy
20/8

15) Mazar put up as D.J.M. duly approved to-morrow.

D.M.
20/8

16) Submitted with a D.F.N. & D.J.N. at 12-35 P.M.

KR
21/8/20

17) Mazar have it typed to-day

D.M.
21/8

18) A typed D.F.N. is put up as ordered

KR
22/8/20

19) Submitted with D.J.M.

D.M.
22/8

1360
23.8.20

III Member 20) D.F.N. revised

typed
Dy
20/8

21) Submitted with D.S.M.

D.M.
20/8

Chief Secy D.F.N. submitted.

Dewan 22) orig.
4/9/20
D.M.

DEWAN'S OFFICE.
Recd. on SEP 1 1920
Reg. No. 2313.

NOTE—Contn. sheet.

8)

Final Note by the Third Member of Council.

23)

Subject:- Memorial of Bettakka, first accused in Bangalore Sessions Case No.6 of 1919-20, praying for mercy against the capital sentence passed on her.

The memorialist has been charged with and convicted of the offence of murder in-as-much as she is alleged to have caused the death by poisoning of her husband and adopted son. She was sentenced to death by the Sessions Judge in Bangalore Sessions Case No.6 of 1919-20 and the sentence has been confirmed by the Chief Court in Criminal Appeal No.101 of 1919-20.

H

F

2. The facts of the case are that the accused, who was on terms of ill will with her husband and adopted son, who on that account was turned out of her husband's house and was living separate with her paramour, procured arsenic poison and through the agency of one Munea, the second accused, got it mixed in the food prepared in the house of her husband. Besides her husband and adopted son, there were two more persons living in the house viz., the wife of the adopted son and her mother. All the four took ill and developed symptoms of arsenic poisoning. Of these, the two women only recovered and the others, the husband and the adopted son, succumbed as stated above to the effects of the poison.

Pages 4 & 5 of Office Notes

Pages 5 & 6 of do

3. For reasons stated in my note dated 11th August I was of opinion that the memorial might be rejected, but the officiating Dewan and the Second Member of Council are for commuting the sentence to one of transportation for life. Their opinion may be approved.

4. The records are submitted for the gracious orders of His Highness.

MEMBER OF COUNCIL.

16th August 1920

9)

Submitted to His Highness.

24

I submit herewith a Final Note by the....Third.... ..

Member of Council on the subject of...memorial of Bettakka, First accused in Bangalore Sessions case No.6 of 1919-20 praying for mercy against the capital sentence passed on her,

for His Highness' gracious approval.

Dewan.

3.9.20

C. 121 10)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to commute the sentence of death passed on Bettakka to one of transportation for life.

338

Order.

25) ~~KRW~~
4/9/20

DEWAN'S OFFICE.
Recd. on SEP 9 1920
Reg. No. 2501

26) Chief secy 9.9.

27) Draft ordered as one D. M. 6/9

28) Subd with necessary draft.
7/9
1-10 Pm
1.30 Pm

29) Draft laid before to Dewan D. M. 8/9

30) Chief secy Dewan

31) Signature by Dewan. 9.9.20.

32) 10/9/20

1901.
12.9.20

D. M. 8/9/20

FOR PERUSAL OF

HIS HIGHNESS'S ORDERS

(Orders issued)

35) Seen
15/9

Seen by 2nd December
on 9/9/20

1641 11

G. R. S. III-2

General and Revenue Secretariat.

Ch File No. 32 of 1920.

Serial No.	
2	To The Registrar, Chief Court of Mysore No. G-5796 dt 11-9-20. Forwards for information of the Judges of the Chief Court and for communication of the accused copy of the order passed by H.H. the Maharaja on the prisoner's memorial, commuting the sentence of death to one of transportation for life. 33) This may be sent to the Con Branch for circulation to the members of Council as ordered Sd/- 16-9-20 34) To the Supdt. Cantt Bgr. with Compliments 16/9

CHIEF SECRETARIAT
III
PROTECTION BRANCH.
18 SEP 1920

NOTE—Contn. sheet.

12)
1667

No 92 Cr. & 2 with Records

Bangalore, 20 21

Dated 26th July 1920

32-20

From

29 JUL

3

THE REGISTRAR OF THE

CHIEF COURT OF MYSORE.

To

THE CHIEF SECRETARY TO GOVERNMENT, OF MYSORE,

GENERAL AND REVENUE DEPARTMENTS. BANGALORE.

30 JUL 1920

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja by.....Rettakka.....1st.....accused in.....Bangalore.....Sessions Case No. 6 of 1919...-...20...on the file of the Sessions Judge of...Bangalore Division and appellant in Criminal Appeal No. 101 of 1919...-...20...on the file of this Court.

Criminal Referred Case No.9 of19-20

Six files & one Spl. diary

The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

SG.

GPB—1,000—16-8-12

H-53

1919-20

Marked before me -

L. Narasimiah
Chief jailor.
C. C. jail.

24/7/20

Received
Central jail
Bangalore
24.7.20.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Monday, the 12th day of July 1920.

P R E S E N T

Sir Leslie C Miller Kt., C.B.E., Chief Judge.

a n d

Mr. Justice R. B. P l u m e r.

Petitions of Criminal Appeals Nos: 101 of 1919-20/Criminal Referred Case No: 9 of 1919-20 and 102 of 1919-20 against the convictions and sentences of the Sessions Judge of Bangalore in Bangalore Sessions Case No: 6 of 1919-20 under section 302 of the Indian Penal Code.	In Cr.A.No.101 of 1919-20/Cr.Rfd.Case No.9 of 1919-20. Appellant. Bettakka(1st accused) In Cr. A.102 of 19-20. Appellant. Muniah(2nd accused)

J U D G M E N T.

These are appeals by each of the accused against their convictions by the learned Sessions Judge, Bangalore Division of the offence of murdering two men Chenna setty and Mada setty by poisoning them on the 19th day of August 1919. Of the two accused the first accused Bettakka, the

wife

wife of Chennasetty and the adoptive mother of Madasetty, has been sentenced to death while the second accused Munea has been sentenced to transportation for life. The learned Sessions Judge holding that the latter was merely a tool in the hands of Bettakka the first accused who planned the murder procured the poison and gave it to the 2nd accused with instructions to put it into the food in the house of Chennasetty access into which in the absence of ~~which~~ all the occupants Bettakka contrived. Two other occupants of the house Gullamma the wife of Madasetty and Maramma her mother prosecution witnesses 4 and 5 who partook of the remnants of the food after Chennasetty and Madasetty had finished their meal were also taken ill with all the same symptoms of arsenical poisoning as were displayed by Chennasetty and Madasetty, but they recovered.

Munea the second accused made the confessional statement Exhibit P_{15} before the 1st class Magistrate, Closepet, on the 30th August. He retracted it before the Committing Magistrate on the 2nd December 1919 and explained that he made it under police tuition andcompulsion. It is not a clear admission of guilt and though corroborated it is safer to make no use of it except as supporting such evidence as exists against this second accused himself . Before both the Committing Magistrate and the Sessions Judge the two accuseds' only defence consisted in a denial of their guilt. They cited no witnesses in their defence.

The learned Sessions Judge held them guilty on the evidence and appellants' counsel contends that that evidence is not entirely credit worthy. Nor ~~if~~

even

even if believed does it prove sufficient motive for either accused especially the second accused to wish the death of either Channasetty or Ladasetty. He contends further that it is quite inadequate to establish that either of the ~~xxxx~~ accused inserted the poison into the food in Channasetty's house and he also raises an argument that death is not proved beyond doubt to be due to poison.

The learned Government Advocate was heard in support of the conviction. We may say at once that in our opinion the fact that Channasetty and Ladasetty died from arcenical poisoning [to proved beyond doubt. They had all the Symptoms of such poisoning] and arsenic was found in their viscera and the fact that no traces of the poison could be found in the remnants of the food is not sufficient to outweigh the clear evidence that arsenical poisoning was the cause of their death.

Turning to the evidence we think we may accept that of Basamma that about midday on the day when all the inmates of Channasetty's house were taken ill and at a time when all those inmates were out and when the house was empty and ~~xx~~ locked up the 1st accused Bettakka came to her and gave her a key and asked her to see if it opened the door of Channasetty's house. Basamma found that it did so and left the door unlocked and returned the key to the 1st accused.

We have the 2nd accused's own confession against himself that he did enter the empty house that day about midday and he was seen coming out of that house by Chinnatayiga and Veerabhadra prosecution witnesses Nos: 7 and 8 whose evidence seems to us sufficiently credit-worthy to

be

be accepted. The evidence of Veerachari before the Committing Magistrate marked as Exhibit P 10 in sessions as Veerachari had died in the time between the preliminary enquiry and the trial shows that about the time when the poisoning occurred the 1st accused who has been a constant visitor and customer came to his shop and got a waist-belt tightened and then asked him for some rat poison as the rats were eating up the commodities of her trade. He gave her a little white rat poison in hard lumps like this.

The evidence of Laramma prosecution witness No: 5 the mother-in-law shows that on the morning of the day of the poisoning the house had been left empty with the house door locked by about midday. Gullamma prosecution witness No: 4 deposes that when she returned home at 4 P.M., she found the house door opened. She admits that it was she who prepared evening meals that day and her evidence and that of Laramma as also that of Nadi (prosecution witness No: 10) proves that both Laramma and Gullamma were taken ill that evening with symptoms similar to those of Channasetti and Nagasetti. This precludes all likelihood of that either Gullamma or Laramma inserted the poison in the food and no one except the 1st accused is known to have had any motive to wish ill to any of the inmates of Channasetti's house. The evidence shows that the 1st accused the wife of Channasetti had been turned out of that house and had bitter

ill-will

ill-will against Channasetty and his adoptive son Madasetty.

Taking all these circumstances into consideration we think we may safely agree with the learned Sessions Judge that the evidence is on the whole sufficient to prove the guilt of the two accused. We accordingly uphold the conviction and confirm the sentences.

(Sd) Leslie C. Miller,
Chief Judge.

(Sd) R. B. Plumer,
J u d g e.

"C o p y"

Deputy Registrar.

SR.

G. R S. VI—s-III/33]

DRAFT.

SUBJECT .....

.....

.....

Section. Ch
File No. 32-20
Serial No. 2

No. G.S. 796/Enc 1 file of records

Diary No. of letter replied to 1641

To

The Registrar of the Chief Court of Mysore.

GENERAL AND REVENUE SECRETARIAT,

( )

, the *191*

Date of issue 11/9/20

Signed by .....

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner ..... Bettakka, 1st accused in Bangalore Sessions case No. 10 of 1919-20 undergoing sentence of ..... death ..... passed on her ..... in the ..... Central ..... Jail, copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial ..... for mercy .....

2. The entire records received with your letter No. ..... 92/Cr ..... dated ..... 26th July ..... 1920 are herewith returned.

I have, etc.,

For Chief Secretary.

7/10/20
719

In the matter of a memorial

submitted by Bettakka, 1st Accused in

Bangalore Sessions Case no 6 of 1919-20,

praying for mercy against the Capital Sentence

passed on her

His Highness the Maharaja has been pleased

to Commute the Sentence of death passed on

Bettakka to one of transportation for life

Rees

9.9.20

Dewan.

P.M.

8.9.20